

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, ET AL.,

Plaintiffs,

v.

COX COMMUNICATIONS, INC. AND
COXCOM, LLC.

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**DECLARATION OF THOMAS M.
BUCHANAN IN SUPPORT OF
COX'S SECOND MOTION TO
COMPEL**

I, Thomas M. Buchanan, hereby declare:

1. I am a partner at the law firm Winston & Strawn LLP, counsel to Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox") and represent Cox in the above-captioned matter. I submit this Declaration in support of Cox's Second Motion to Compel. I have personal knowledge of all facts stated in this declaration and if called upon as a witness, I could and would competently testify thereto.

2. Attached as **Exhibit 1** is a true and correct copy of an excerpt from Cox's First Set of Requests for Production, served on November 19, 2018.

3. Attached as **Exhibit 2** is a true and correct copy of an excerpt from Plaintiffs' Supplemental Responses to Cox's First Set of Requests for Production.

4. Attached as **Exhibit 3** is a true and correct copy of excerpts from the transcript of a January 25, 2019 hearing on Cox's first motion to compel.

5. Upon learning that Plaintiffs maintain a [REDACTED]

[REDACTED]

█ an associate at my firm, Sean R. Anderson, emailed Plaintiffs' counsel, Kerry Mustico and Jeff Gould, on June 19, 2019 requesting that the database and valuations for any of the works-in-suit be immediately produced. Mr. Anderson also requested that Plaintiffs search for and produce any related documents. A true and correct copy of that email correspondence with Plaintiffs' counsel, including follow up, is attached as **Exhibit 4**.

6. On June 27, 2019, the parties held a meet-and-confer to discuss the production of the database for Sony/ATV and EMI's works-in-suit and any corresponding valuations. During this call, Plaintiffs stated that searching the database would be too burdensome. Cox offered to do the search. Immediately following the meet-and-confer, Mr. Anderson summarized what was discussed in an email to Plaintiffs' counsel, reiterated the request for the database and a search by other plaintiff groups, and requested a response by the following day. Plaintiffs never responded to this request. A true and correct copy of the email correspondence is attached hereto as **Exhibit 5**.

7. Mr. Anderson informed me that the Warner Music Group plaintiff group's designee testified during a deposition on June 28, 2019 that █
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8. Attached as **Exhibit 6** is a true and correct copy of an excerpt from the deposition of Anish Patel held on June 18, 2019.

9. Attached as **Exhibit 7** is a true and correct copy of an excerpt from the deposition of Michael Abitbol held on May 3, 2019.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of June, 2019 in Washington D.C.

/s/ Thomas M. Buchanan

Thomas M. Buchanan (VSB No. 21530)